

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 15-137-LPS
	)	
THE PRICELINE GROUP INC.,	)	
KAYAK SOFTWARE CORPORATION,	)	
OPENTABLE, INC., AND	)	
PRICELINE.COM LLC,	)	
	)	
Defendants.	)	

**NOTICE OF IPR FINAL DECISIONS PERTAINING TO U.S. PATENT 7,631,346**

Defendants The Priceline Group Inc., KAYAK Software Corporation, OpenTable, Inc., and Priceline.com LLC (collectively, “Defendants”) hereby submit the attached two Final Written Decisions from the USPTO PTAB. Both decisions pertain to United States Patent No. 7,631,346 (“the ’346 patent”), which is one of the four patents-in-suit in this litigation. The decisions are briefly summarized as follows:

- **IPR2016-00608:** The PTAB found that Defendants demonstrated by a preponderance of the evidence that claims 1, 3, 12, 14, 15, and 18 of the ’346 patent are unpatentable under 35 U.S.C. § 102 as anticipated by a publication called Sunada. *See* Exhibit A hereto.
- **IPR2016-00609:** The PTAB found that Defendants demonstrated by a preponderance of the evidence that claims 1, 3, 12, 13, 15, and 18 of the ’346 patent are unpatentable under 35 U.S.C. § 102 as anticipated by a publication called Mellmer. *See* Exhibit B hereto.

Defendants note that for both of these Final Decisions, IBM still has the ability to file a Request for Rehearing with the PTAB (due in early September) or a Notice of Appeal to the Federal Circuit (due in early October).

Counsel for Defendants is available should the Court wish to discuss the above matters.

Dated: August 21, 2017

*Of Counsel:*

Dan D. Davison  
NORTON ROSE FULBRIGHT US LLP  
2200 Ross Ave., Suite 3600  
Dallas, TX 75201  
(214) 855-8000  
dan.davison@nortonrosefulbright.com

Richard S. Zembek  
Daniel S. Leventhal  
Daniel A. Prati  
NORTON ROSE FULBRIGHT US LLP  
Fulbright Tower  
1301 McKinney, Suite 5100  
Houston, TX 77010  
(713) 651-5151  
richard.zembek@nortonrosefulbright.com  
daniel.leventhal@nortonrosefulbright.com  
dan.prati@nortonrosefulbright.com

Gilbert A. Greene  
Marwan Elrakabawy  
NORTON ROSE FULBRIGHT US LLP  
98 San Jacinto Boulevard, Suite 1100  
Austin, TX 78701  
(512) 474-5201  
bert.greene@nortonrosefulbright.com  
marwan.elrakabawy@nortonrosefulbright.com

/s/ Francis DiGiovanni

Francis DiGiovanni (#3189)  
M. Curt Lambert (#4882)  
Thatcher A. Rahmeier (#5222)  
DRINKER BIDDLE & REATH LLP  
222 Delaware Avenue, Suite 1410  
Wilmington, DE 19801  
(302) 467-4200  
francis.digiovanni@dbr.com  
curt.lambert@dbr.com  
thatcher.rahmeier@dbr.com

*Attorneys for Defendants The Priceline  
Group Inc., Priceline.com LLC, KAYAK  
Software Corporation, and OpenTable, Inc.*